THE INTERNATIONAL BOUNDARY

OF

MICHIGAN.

A Thesis presented for the Degree of M. L. at the University of Michigan, June, 1895,

BY

ANNAH MAY SOULE.

[Reprint from Michigan Pioneer and Historical Collections, Vol. 26.]

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New France.
Dutch Col's.
English Col's.
New Spain.
1650

Lake of the Woods
Indian Reserve.
L. Superior
L. Nipissing
Quebec
1763
Mass.
New Hamp.
L. Michigan
L. Huron
L. Ontario
New York
Mass
Conn
Indian Reserve
L. Erie
Penn.
Ma.
Mississippi R.
Indian Reserve
Ohio R.
Va.
claimed by the Colonies lying East.
N.Ca.
S.Ca
Mississippi R.
Under Georgia
Georgia
West Florida
East Florida
1763.

INTERNATIONAL BOUNDARY LINE OF MICHIGAN.

Michigan under the French.

The French, following in the wake of their intrepid leaders, Joliet and Marquette, were the first Europeans to explore and so to claim the region of which Michigan now forms a part.[1] In 1613 the name "New France"[2] was given to the region with indefinite boundaries, but probably extending from the Ohio river to the north of the Great Lakes and from the Atlantic west of the same lakes.[3] In those days exact boundaries were impossible in the little known west, nor were they needed while the country was still only a hunting and fishing ground.[4] For a hundred years after New France was named, nothing was done by France or England to define the boundaries of their North American possessions. In 1713, when the Treaty of Utrecht was drawn up, provision was made for a commission to settle the boundary of the Hudson Bay Company and "in like manner, the boundaries between the other British and French colonies in those parts."[5]

These commissioners are supposed to have suggested the 49° parallel as a dividing line between the western possessions of the two countries,[6] but Mr. J. C. Bancroft Davis says there is no evidence in either French or English archives of such a commission being appointed.[7] It is, however, of little consequence whether the commissioners were appointed or not. Certainly nothing was done to establish a dividing line between French and English territory. Nor was the Commission, which we know was appointed according to a provision of the Treaty of Aix le Chapelle, any more successful.[8] This Commission worked for three years to establish a line of division but, as France claimed "All countries watered by streams falling into the St. Lawrence, the Great Lakes and the Mississippi;" and England's claim would have reduced the French possessions "to the patch on the American map now represented by the province of Quebec, or rather by a part of it,"[9] their labors were in vain.

1 Winsor, "Narrative and Critical History of America," Vol. IV, Chap. V.
2 Jeffery's "French Dominions in North and South America," p. 99.
3 Hart, "Epoch Maps," Nos. 2 and 4. Winsor, "Narrative and Critical History of America," Vol. IV, pp. 208, 228, 258–259; Vol. V, p. 84. Winsor, "From Cartier to Frontenac," gives a series of maps illustrating the growth of knowledge about these regions.
4 Mills, "Report on the Boundaries of Ontario," p. 229.
5 Treaty of Utrecht, article X, in Jenkinson's "Collection of Treaties," Vol. II, p. 34.
6 State Papers, "Foreign Relations," Vol. III, p. 97.
7 "Treaties and Conventions," p. 1324.
8 Treaty, article IX. Mills, "Report on the Boundaries of Ontario," pp. 95, 109, 119. Annual Register 1761, p. 254.
9 Parkman, "Montcalm and Wolfe," Vol. I, pp. 124–126.

Michigan under the British.

But the boundary question grew more important day by day as the colonists of both countries pushed their way farther inland. Finally the settlement could be made only by force of arms; the French and Indian War began for the possession of the Valley of the Ohio, but it closed in 1763 by giving to England all the territory east of the Mississippi,[1] except a bit of land at the mouth of that river—the region of the Great Lakes a part of the British possessions.

British territory, 1763.

The government of Great Britain seems not to have cared much for this western region, however, now that France could no longer lay claim to it, and its fur trade was secured to herself.[2] Not only was no provision made for the government of the western country but it was recognized as Indian territory and settlement therein was forbidden by the proclamation which established in the newly acquired territory, "four distinct and separate governments, styled and called by the names of Quebec, East Florida, West Florida and Granada."[3] But the region was too well known, too largely inhabited to be left to the Indians. Soon after the fall of Montreal, Rogers had planted the British standard at Detroit[4] and other adventurers soon penetrated the forbidden ground. Pennsylvania was too near and Virginia had already pushed her explorations too far to be kept back by a simple proclamation;[5] the people of these and the other colonies made treaties with the Indians and formed companies for the settlement of lands so obtained, and even ventured to make settlements beyond their treaty bounds. Again and again, these adventurous settlers petitioned the Lords of Trade to extend the limits of Quebec so as to give to them some benefits of a system of government. Nor were they alone in these petitions. They were joined by the French who, when it was still New France, had settled along the Mississippi in the Illinois country and, by the proclamation of the King, had been cut off from all protection of an organized government.[6] These petitions were finally granted, the British government consented to extend the Province of Quebec to the Mississippi;[7] Michigan was again included within the borders of an organized province. For ten years the British government had striven to keep a large portion of this country as Indian territory, but at last the utter futility of these efforts was recognized and the famous "Quebec Act" of 1774 admitted most of this Indian territory into the Province of Quebec.[8]

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1 "Treaty of Paris," article IV. Annual Register, 1758, pp. 1-2; 1762, pp. 55-60, 235, etc. Hart, "Epoch Maps," No. 5. Map of "British Dominions in North America," 1763, Annual Register, 1763.

2 Hinsdale, "The Old Northwest," pp. 122-124.

3 "Calendar of Home Office," 1760-1765, p. 304. Annual Register, 1763, pp. 18, 20, 209. Winsor, "Narrative and Critical History of America," Vol. VI, p. 687. Mills, Map No. 5.

4 Winsor, "Narrative and Critical History of America," Vol. VI, Chap. IX. Campbell, "History of Michigan," p. 109.

5 Mills, p. 20. Winsor, Vol. VI, Chap. IX.

6 Mills, pp. 32, 64.

7 *Ibid*, pp. 28, 41, 56, 59, 187. Hart, "Epoch Maps," No. 5. Annual Register 1774, pp. 239-240.

8 Notes 5, 6 and 7 this page.

L. of the Woods
Qubec
L. Superior
Mississippi
Mass.
N.H.
L. Michigan
Huron
Ontario
New York
Mass.
Erie
Penn.
Qubec
Md.
Ohio River
Va.
Claimed by Colonies East
N.C
S.C
Under Georgia.
Georgia.
Mississippi
West Florida.
East Florida.
1774.

Michigan under the United States, 1783.

But this tardy Act failed of its purpose. The settlers of the west as well as of the east revolted from its obnoxious conditions. It became one of the immediate causes of the Revolutionary War[1] which resulted in converting the colonies into "'These United States" with boundaries limited only by the Mississippi on the west, Florida on the south and the St. Lawrence and the middle of the Great Lakes on the north.[2]

Struggle for the territory, 1779–1783.

It was not without a struggle that this vast territory was secured for this new Nation. In demanding it our ministers had to meet not only the natural opposition of England, but the jealous resistance of France and Spain combined. To us of Michigan this struggle for territory, carried on so quietly at Paris for two years, is as important as the Revolutionary War itself. For, had the division of territory been settled according to the desire of France and Spain, this would have been Indian or Canadian territory; had it been divided as England wished, the result would have been the same; had it been divided according to the first proposition of Congress, some of us would now be subjects of Her Majesty, and not citizens of the United States.

Such being its importance then, it is interesting to us to study somewhat at length the details of this struggle for territory, though the study must, at best, be unsatisfactory in its results, as there is so little record of the discussions which took place over the boundary line during the negotiations of 1782-3. Indeed, when Henry Clay, as Secretary of State, was asked to place before the House of Representatives the documents relating to the negotiations on the boundary question, he reported that there appeared to have been no written discussion of the matter.[3] Since 1828, however, the publication of the works of Franklin, Adams, and Jay, the researches of Bancroft among the French archives, and still later, the purchase of copies of the "Peace Manuscripts" by our Government, have shown that there is some written evidence left from which we may gather a few ideas of the nature and effects of the discussions on boundaries, and some knowledge of the limits to which the United States might have been confined had she sent less wise and patriotic men or less able diplomats to make the Treaty of Peace.

First then as to the position of France and Spain in this contest for territory. France could, of course, assert no claim to territory; but she did claim, as Spain did, that the country of the Great Lakes was either a dependency of Canada or the property of the Indians. France and Spain were also agreed that under no circumstances could the United States lay any claim whatever to the country lying between the Alle-

1 "Declaration of Independence."
2 "Treaty," 1783, article II.
3 State Papers, "Foreign Relations," Vol. VI, p. 866.

ghanies and the Mississippi.[1] But the French minister said that region belonged to "free and independent nations of Indians"[2] while the Spanish minister asserted that the country belonged to Spain by right of her "Conquest of West Florida and certain posts on the Mississippi and Illinois."[3] This difference of opinion regarding the extent of Spanish claims was not insurmountable, however, for in his memoir upon the subject Count de Rayneval adds, "But the future may bring forth new circumstances, and this reflection leads one to suppose, that it would be of use that the court of Madrid and the United States should make an eventual arrangement,"[4] and then he proposed a "conciliatory line" which would confine the United States to the east of the Alleghanies to be sure, but would make that Government and Spain joint guardians of an Indian territory which was to embrace the region between Florida and the Ohio river.[5] Spain must have agreed to this line for the French and Spanish seem to have worked together harmoniously from this time. France apparently did not wait until the result of the war became evident before she thought of checking the ambition of her ally. In 1778 Vergennes writes to Count Montmorin:

Why France and Spain wished to limit the United States.

"We do not wish—far from it—that the new Republic should remain the only mistress of all that immense continent.....it is important that the English should remain masters of Canada and Nova Scotia; they will keep alive the jealousy of this nation which might otherwise turn somewhere else, and will make it feel the need of sureties, allies and protectors."

And again he writes:

"But you may assure him (the minister of the King of Spain) that it is not on our part he will meet with difficulties with regard to the preservation and guaranteeing of Canada and Nova Scotia to England.

"If these two vast provinces remain in England's power, and Spain gets back the part of Western Florida which suits her, a restraint will be put on the Americans greater than is needful to prevent them from becoming enterprising and troublesome neighbors."[6]

The French were wiser than the English and knew full well that, to retain the "back country" for the Indians, other than legal bounds must be put upon the new Republic. The reasons then, for the desire on the part of France to limit the United States, were, 1st, the fear of troublesome neighbors; 2d, the wish to conciliate Spain whose territories she

1 "Memoir of Rayneval." Spark's "Diplomatic Correspondence," Vol. VIII, pp. 150, 156. Winsor, Vol. VII, pp. 126-128. Letter of Vergennes to Luzerne, quoted by Jay, "Address," p. 157. Lecky, "History of England in the 18th Century," Vol. IV, p. 276.
2 Spark's "Diplomatic Correspondence," Vol. VIII, p. 158.
3 Spark's "Diplomatic Correspondence," Vol. VIII, p. 150, *et seq.*
4 Spark's "Diplomatic Correspondence," Vol. VIII, p. 159.
5 Map, Hinsdale's "Old Northwest," p. 180. "Life of Shelburne," Vol. III, p. 170. Winsor, "Narrative and Critical History of America," Vol. VII, p. 148. American State Papers, "Foreign Relations," Vol. I, p. 572.
6 Jay's "Address," pp. 1-2, 158. Appendix C.

was bound by the "Family Compact" to maintain;[1] 3rd, France was exceedingly anxious about her right to the fisheries and hoped to get the good will of England in the settlement of that matter by standing with her on the boundary question.[2]

Spain, on her side, taking advantage of the fact that her enemies were otherwise occupied, had captured some posts, taken formal possession of the country about St. Louis,[3] and doubtless hoped to regain something of her old power and prestige by conquest as well as by treaty. There is no doubt, however, that Spain would have stood ready to limit the boundary of the United States under any circumstances, for she feared the example of a successful revolt of a colony from the mother country.

Means used by France and Spain to limit United States.

To secure the desired limitation of the territory of the new republic, the ministers of France and Spain seem to have first tried their powers of persuasion and instruction upon our statesmen in Congress,[4] but they did not neglect our statesmen who were abroad.[5] The argument chiefly used was that the United States had absolutely no claim to anything west of "the ancient English establishments."[6] To argument was added the threat "That in case we should not agree to divide with Spain * * * * * then their court (France) would aid Spain in negotiating with Britain for the territory she wanted, and would agree that the residue should remain to Britain."[7]

Before the French diplomats had given up their efforts to secure the promise of the United States that she would never push her boundaries beyond the proposed line, they attempted to form an alliance with the English which would secure such an extension of the British and Spanish claims as would cut off all possibility of our territorial growth.[8] At first these appeals were not in vain. Lord North once even offered to let Canada go to France, on condition that she would make a separate treaty.[9] But Lord Shelburne, to whom as prime minister the peace negotiations finally fell, was a man of broader views, as we shall see later, and the eagerness of France and Spain to secure territory in North America made him only the more ready to yield to the claims of the United States.[10] Shelburne knew that regardless of the old colonial charters the western

1 Wenkii "Codex. Jus. Gen.," p. 278. John Adams' "Life and Works," Vol. VII, pp. 626–631, 650–651. Winsor, "Narrative and Critical History of America," Vol. VII, p. 148. Jay's "Correspondence and Public Papers," Vol. II, p. 398. Wharton, "International Law," III, appendix, pp. 909, 910.

2 Madison's "Works," Vol. III, p. 467.

3 Winsor, "Narrative and Critical History of America," Vol. VI, pp. 72–73. Spark's "Diplomatic Correspondence," Vol. VIII, pp. 77–78. Adams' "Life and Works," Vol. I, p. 370.

4 Adams' "Life and Works," Vol. III, p. 357. Bancroft's "History of the United States," Vol. X, p. 216, *et seq.*

5 Letters and Despatches of Vergennes to Luzerne and Count de Montmoran quoted in Jay's "Address," appendix C. John Adams' "Life and Works," Vol. I, pp. 357 *et seq.*, 370; Vol. III, pp. 303, 357. Jay's "Correspondence and Public Papers," Vol. II, p. 388, *et seq.* Franklin's "Life and Writings," Vol. IX, p. 204, *et seq.* Wharton's "International Law," appendix, Vol. III, 210 *et seq.* Letter of Oswald to Shelburne in Hale's "Franklin in France," Vol. II, p. 143.

6 Spark's "Diplomatic Correspondence," Vol. VIII, p. 158. Jay's "Correspondence and Public Papers," Vol. II, p. 395. Wharton's "International Law," appendix, Vol. III, p. 909, *et seq.*

7 Jay's "Correspondence and Public Papers," Vol. II, p. 399.

8 John Adams' "Life and Works," Vol. I, p. 366, *et seq.*, Vol. III, pp. 303, *et seq.*, 321. "Life of Shelburne," Vol. III, pp. 258–259, 263, *et seq.*

9 Franklin's "Life and Writings," Vol. IX, p. 210. John Adams' "Life and Works," Vol. I, p. 357.

10 Wharton's "International Law," Vol. III, appendix, 905. "Life of Shelburne," Vol. III, p. 267.

lands belonged to the revolted colonies by right of exploration, conquest and settlement,[1] and could be held against them, if at all, only at an immense expense.[2] Lord Shelburne, too, had a knowledge of and love for his countrymen. He was enough of a political economist to realize that it would be far better for England to have the Mississippi in the hands of the United States than in those of Spain.[3] Knowing thus that both the honor and interest of England lay in standing by the United States rather than by France and Spain in the division of the west, the British refused to heed the wishes of her old time rival on the new continent. They finally agreed to a boundary line which in the eyes of the French "surpassed all expectation"[4] and gave to the United States "more than I could have believed possible," as Vergennes wrote to his secretary Rayneval.[5]

Claims of England. Extent.

Up to almost the last moment England seems to have asserted her claims "to the lands between the Mississippi and the western boundary of the States, and to have brought forward the French boundary of Canada, which was more extensive at some points (i. e., between the Mississippi and the mountains), than that of the Proclamation of 1763."[6] But the claim seems to have been made more for the purpose of securing other concessions than for the possession of the territory itself,[7] or from a feeling of the justice of their claims. Indeed the French seem to have been much more interested in the legal aspect of the question than the English. Shelburne, writing to Oswald instructions with regard to the renewed negotiations in which Strachey was to aid him, says with regard to the "boundaries and back lands:" "Independently of all this nonsence of charters, I mean when they talk of extending as far as the sun sets, the soil is and has always been acknowledged to be the King's."[8] In fact, whether from lack of confidence in their claims or because of a greater interest in other matters, the British seem not to have cared for much discussion of the boundaries. Whatever may have been the reason the subject of the boundaries received much less attention from both British[9] and American commissioners than did the subject of the fate of the loyalists, the payment of the debts of British creditors, or the division of the fisheries.[10] There seems to have been a feeling on both sides either that the boundaries were of comparatively little importance or could be easily adjusted when

1 State Papers, "Foreign Relations," Vol. VI, p. 868. C. I. Walker in "Michigan Pioneer Collections," Vol. III, p. 12.
2 *Ibid*, and Kingsford's "History of Canada," Vol. VII, p. 149. "Debates in Parliament." "Life of Shelburne," Vol. III, p. 347, *et seq*.
3 "Life of Shelburne," Vol. III, pp. 166, *et s q*, 348.
4 Luzerne to Vergennes, Winsor, Vol. VII, p. 158.
5 Jay's "Address," p. 107.
6 Instructions to Strachey, "Life of Shelburne," Vol. III, p. 281.
7 *Ibid*., p. 281-5.
8 "Life of Shelburne," Vol. III, p. 284. Rayneval's report on his conference with English ministers, quoted by Jay in his "Address," p. 159.
9 Of course they were discussed and urged, but apparently not so earnestly as by the French. Spark's "Diplomatic Correspondence," Vol. X, p. 188.
10 Jay's "Address," p. 68.

other matters were out of the way. Franklin writes, in his journal, May 5, 1782, "Mr. Oswald repeated to me his opinion that the affair of Canada would be settled to our satisfaction, and his wish that it might not be mentioned till towards the end of the treaty."[1] Oswald writes to Townsend, in August of the same year, "The Doctor (referring to Franklin) at last touched upon Canada * * * * , and said there could be no peace and quiet in the neighborhood while that country continued under a different government, as it touched their states in so great a stretch of frontier. I told him I was sensible of that inconvenience, but having no orders, the consideration of that matter might possibly be taken up at some future time."[2]

That "future time" seems to have come on the following October when negotiations were renewed at Paris.[3] Some time before this Franklin had drawn up a "plan of pacification" the third article of which provided for "A confinement of the boundaries of Canada at least to what they were before the last act of Parliament, * * * if not to a still more contracted state."[4] This plan Oswald had sent to the ministry and he now returned to the negotiations authorized "to go to the full extent" of Franklin's proposals, on condition that the third article "be understood and expressed to be confined to the limits of Canada as before the act of 1774."[5] But the effort to come to the required understanding soon caused the commissioners trouble from which Jay extricated them by proposing another[6] boundary line, which seems to have differed from Franklin's chiefly in the eastern regions. Oswald accepted it. But when the draft of this treaty was presented to the ministry, matters in England were looking up. Its terms were, therefore, considered too liberal to the Americans, and the British ministry sent Strachey over to Paris to fortify Oswald.[7] Mr. Oswald, as we have seen,[8] was instructed to assert claims to the western lands and the ancient boundaries of Canada, but "he was to urge their claims, * * * not indeed for their own sake, but in order to gain some compensation for the refugees, either by a direct cession of territory in their favor, or by engaging * * * some portion of what the back lands might produce when sold * * *; or by the grant of a favorable boundary of Nova Scotia," etc. But "It is understood," the instructions said, "that if nothing of this can be obtained, * * * * it may be left to the commissioners to settle."[9]

That the British ministry had little hope of overcoming the territorial demands of the American ministers, is evident from the instructions just

1 Bigelow's "Life of Franklin," Vol. III, p. 96.
2 Spark's "Franklin," Vol. IX, p. 388.
3 "Life of Shelburne," Vol. III, p. 269, *et seq.*
4 "Life of Shelburne," Vol. III, pp. 243-4. Wharton's "International Law," Vol. III, appendix, p 944.
5 Wharton's "International Law," Vol. III, appendix, 944. "Life of Shelburne," Vol. III, pp. 243-4.
6 "Life of Shelburne," Vol. III, p. 271, map 294.
7 "Life of Shelburne," Vol. III, p. 281.
8 Page 12.
9 Adams' "Diary, Life and Works," Vol. III, *Im passim*, 1782. Instructions to Strachey as given in Life of Shelburne," Vol. III, p. 282.

Why England yielded so much.

quoted. It turned out as they expected, for the commissioners finally yielded to the persistent demands of our representatives.[1] There are several reasons why Shelburne and his colleagues should have yielded so much territory with so little apparent struggle.

1. They knew the British had no real claim upon it.[2]

2. Experience had shown that it could be held, if at all, only at a tremendous expense.[3]

3. They preferred the United States rather than Spain for a neighbor.[4]

4. They had the hope of building up a strong friendly commercial nation in America.[5]

5. Some of them did not appreciate the value of what they were yielding.[6]

6. They were anxious to hasten the negotiations in order that the completed treaty might be presented at the approaching meeting of Parliament, for the national expectation of peace must be satisfied, if the ministry was to be sustained.[7]

Effect.

In Parliament, and throughout the country, this portion of the treaty was not so badly received as we might suppose it would have been.[8] All did not agree with Secretary Townsend that the ceded territory was "a heap of rubbish,"[9] but many felt with him that "the attempting to enforce" even the line of the 1774 Act "would have irritated America and revived that spirit of resentment, which it is now our business to quiet," and that it was better "to fix a new boundary, fair, just, liberal and such as the Americans themselves approved."[10] The Annual Register, commenting on the terms of peace said, "To prevent all further disputes several imaginary lines were drawn which intersect immense countries, lakes and rivers"[11] and that seems to have been the general feeling. Jay wrote to Livingston that the English were more interested in an extended commerce than in "the possession of a vast tract of wilderness."[12] Apparently he was right. In the debates in Parliament it was not so much the *fact* of yielding the territory, but the *right* of the Crown to cede national territory which was questioned.[13] It

1 J. Adams' "Life and Works," Vol. III, p. 327. "Life of Shelburne," Chap. VI.
2 *Ante.*, pp. 11 and 12.
3 Jay's "Correspondence and Public Papers," Vol. II, p. 406, *et seq.* "Life of Shelburne," Vol. III, Chap. VI.
4 *Ante.*, p. 12. Schlosser, "History of the 18th Century," Vol. V, p. 297. Winsor, Vol. VII, pp. 148, 150, 160, *et seq.*
5 Hansard's "Debates," XXIII, p. 465, *et seq.* "Life of Shelburne," Vol. III, p. 248. Jay's "Correspondence and Public Papers," Vol. II, p. 406. Wharton's "International Law," Vol. III, appendix, 914–15. Spark's "Diplomatic Correspondence," Vol. X, p. 188, *et seq.* Lecky, "England in the 18th Century," Vol. IV, p. 273. *Ante.*, p. 12.
6 Henry's "Travels," pp. 234–5. Bourinot, "Canada and the United States," pp. 8–9. Kingsford, "History of Canada," Vol. VII, pp. 151, 175.
7 "Life of Shelburne," Vol. III, Chap. VII. Wharton's "International Law," Vol. III, p. 950. J. Adams' "Life and Works," Vol. III, p. 327.
8 Lecky, "History of England in the 18th Century," Vol. IV, pp. 285, 289.
9 Hansard's "Debates," XXIII, p. 467, *et seq.*
10 Hansard's "Debates," XXIII, p. 467, *et seq.*
11 "Annual Register," 1783, p. 134.
12 Jay's "Correspondence and Public Papers," Vol. II, p. 406.
13 Hansard's "Debates," XXIII. "Life of Shelburne," Vol. III, pp. 346–7, 355.

L. of the Woods.
L. Superior
L. Nipissing
Lat. 45°
L. Michigan
L. Huron
L. Ontario
L. Erie
Mississippi R.
United States
Ohio R.
Mississippi R.
Lat. 31°
Proposals of Congress
1779.

was the fur trade which all considered. Few thought of the intrinsic value of the land; "the fur trade was divided with the Americans," "commerce would be insecure with the American line within twenty-four miles of Montreal,"[1] were the chief complaints in Parliament and out. The loss to England of one-half of North America was a bagatelle compared with the loss of the four expensive posts which the ministry had ceded to the United States.[2] Among the Canadians this division of territory was generally bewailed, but in vain, of course, since the home government approved of the treaty.[3]

Claims of the United States. Congress.

When, in 1779, Congress decided to send commissioners to consider the subject of peace with Great Britain, their first instructions, regarding boundaries, was to demand a line from "the south end of Lake Nipissing; and thence straight to the source of the river Mississippi; west by a line to be drawn along the middle of the river Mississippi" from its source to the 31st parallel.[4] A few days later wiser council seems to have prevailed and new instructions were given providing that

"If the line to be drawn from the mouth of the Lake Nipissing to the head of the Mississippi cannot be obtained without continuing the war for that purpose, you are hereby empowered to agree to some other line between that point and the river Mississippi, provided the same shall in no part thereof be to the southward of latitude forty-five degrees north."[5]

The Continental Congress was then willing to give up to England the country of which the upper peninsula of Michigan and part of Wisconsin and Minnesota now form a part. In 1781, fortunately, new instructions were given which read:

"As to disputed boundaries and other particulars, we refer you to your former instructions of 14 August, 1779, and 18 October, 1780, from which you will perceive the desires and expectations of Congress, but we think it unsafe at this distance to tie you up by absolute and peremptory directions upon any other subject than the two essential articles above mentioned."[6]

The two "essential articles" were independence and validity of treaties. Virginia objected seriously to changing the instructions as to boundaries for she was determined to secure the Ohio valley at any cost,[7] but the result showed that, in this case, the majority were right.

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1 Hansard's "Debates," XXIII, pp. 434, 454, 378–82, 465, *et seq.*

2 Hansard's "Debates," XXIII, pp. 434, 454, 378–82, 465, *et seq.* "Debates on the Peace," in Lords. Hansard, XXIII, 373–435. Commons, 435–498.

3 Bourinot, "Canada and the United States," pp. 8, 9. Kingsford, "History of Canada," Vol. VII, pp. 113–185, *et seq.* It was for this reason, largely, that the Canadian authorities held the western posts.

4 In giving boundary lines I give only the portions in which we are especially interested. "Secret Journals of Congress," Vol. II, pp. 226, 227. American State Papers "Foreign Relations," Vol. VI, pp. 866, 867.

5 *Ibid.*

6 "Secret Journals of Congress," Vol. II, pp. 426–435. American State Papers "Foreign Relations," Vol. VI, p. 867.

7 "Secret Journals of Congress," Vol. II, p. 426–435. Wharton's "Diplomatic Correspondence," Vol. IV, pp. 474, 477.

The commissioners.

Our commissioners for peace, were then free to agree to such a partition of territory as seemed to them wise; so to Franklin Adams and Jay alone belongs the shame of losing, or the glory of winning territory for the United States. There has been a tendency to give all this credit to Franklin, who said the time would come when the American people would consider the part he took in securing the vast mineral region to them, the greatest act of his life.[1] Now there can be no doubt that Franklin was determined that the United States should have Canada. He had long felt that the country from the St. Lawrence to the Mississippi should be united. He advised taking Canada early in the French and Indian war.[2] At the beginning of the Revolution, he had been one of the commissioners sent by the Colonial Congress to urge Canada to join the other American Colonies against England.[3] From the beginning of the peace negotiations he seemed to have talked continually of England's ceding Canada to the United States.[4] And doubtless it was due to his colleagues that Franklin finally withdrew his demand for all Canada and suggested the line which England had drawn to separate Quebec from Indian territory in 1763.[5] But this is no proof that either Adams or Jay were regardless of the extension of United States territory. Adams had come to the negotiations, especially prepared to stand for an extension of territory on the east[6] while Jay seemed to have had most at heart the navigation of the Mississippi. He too was eager to secure as much territory as could be reasonably hoped for. It was only when he saw the whole negotiation likely to fail that Jay proposed a line a little more favorable to England than Franklin last proposed.[7] That neither Jay nor Adams would have chosen to limit the United States in this way is shown by the following letter which Adams sent with the treaty to Livingston, Secretary of Foreign Affairs:

"The court of Great Britain insists on retaining all territory comprehended within the Province of Quebec, * * * *; and they claimed not only all the lands in the western country and on the Mississippi, which were not expressly included in our charters and governments, but also such lands within them as remained ungoverned by the King of Great Britain. It would be endless to enumerate all the discussions and arguments on the subject. We knew this court (France) and Spain to be against our claims to the western country, and having no reason to think that lines more favorable could ever have been obtained, we finally agreed to those described in this article."[8]

1 Wharton's "International Law," Vol. III, appendix, 913.
2 Spark's "Franklin," Vol. I, pp. 248, 257. Vol. IV, pp. 2-53. "Canada Pamphlet."
3 Carrol's "Diary," in the Maryland Historical Society Centennial Memorial.
4 Wharton's "International Law," Vol. III, appendix, 904. Bigelow's "Franklin," Vol. II, p. 467. *Ante.*, pp. 12-13.
5 "Life of Shelburne," Vol. III, pp. 269-272.
6 John Adams' "Life and Works," Vol. III, p. 304; Vol. VII, pp. 653-4. Jay's "Correspondence and Public Papers," Vol. III, p. 6.
7 "Life of Shelburne," Vol. III, p. 271, *et seq.*
8 Adams' "Life and Works," Vol. VIII, p. 18.

Furthermore there is reason to think that had it not been for Adams and Jay, Franklin would have continued to confide in France and Spain, and we should have had no treaty at all in 1783. If not then when could a treaty have been made and what would have been its terms?[1]

Basis of claims of the United States.

Of course no legal claims could be asserted by the United States Government to the whole of Canada; its cession was urged wholly on the ground of expediency. Franklin said that Canada naturally belonged to the United States, and could develop into a great country only as a member of a great North American Confederacy.[2] Jay urged that Canada should be at least restricted to the boundary of 1763, as it would be impossible for England either to settle or govern a territory which naturally belonged to another; that it would be better for all concerned for the United States extended to the Mississippi on the one side and the old Quebec boundary on the other.[3] To the territory bounded by the lines proposed by Congress there was a legal claim. It was asserted by Congress, and the peace commissioners as well, that the charter rights of the colonies descended to the United States and, consequently, that the lands lying back of the States belonged to them.[4] It was further urged, as to those lands as well as to the lands beyond, that the colonists had explored, conquered and settled the region and so had a right to it.[5]

The territory secured to us was, however, won, doubtless, not because the British were convinced that it belonged to us, but because the ministry saw we were bound to have it, and they preferred peace, the protection of the loyalists, and the satisfaction of British Creditors, to a stretch of wild territory in the interior of the country.[6]

Effect.

If the territory thus secured to the United States is not so extensive as Franklin wished for and might have won, it was quite as much as the people of the new Republic expected, and more than the people of other countries thought possible for us to win. One of the French diplomats wrote to another that the northern boundary surpassed all expectations.[7] Vergennes wrote to Rayneval that "* * the concessions as regards boundaries, the fisheries and the loyalists, exceed all that I could have believed possible."[8] Mr. Lecky says: "Every-

1 Wharton's "International Law," Vol. III, pp. 906, 951, 953. Jay's "Address," 1883, pp. 114-116. Rives' "Madison," Vol. I, p. 362. Lyman's "Diplomacy of the United States," p. 180, *et seq.* J. Adams' "Life and Works," Vol. VIII, p. 18. Jay's "Correspondence and Public Papers," Vol. III, p. 56, *et seq.*

2 Wharton's "International Law," Vol. III, appendix, 914.

3 Jay's "Correspondence and Public Papers," Vol. II, pp. 406-7.

4 American State Papers, "Foreign Relations," Vol. VI, p. 868. Jay's "Correspondence and Public Papers," Vol. II, p. 406. Franklin's "Life and Writings." "Spark's," Vol. IX, pp. 130-134. John Adams' "Life and Works," Vol. VII, p. 653. "Secret Journals of Congress," Vol. III, pp. 152-5, 175-200. Jay's "Address," p. 117.

5 American State Papers, "Foreign Relations," Vol. VI, p. 868. "Secret Journals of Congress," Vol. III, p. 155, *et seq.*

6 Adams' "Life and Works," Vol. VII, pp. 442, 654. Spark's "Diplomatic Correspondence," Vol. X, p. 129. Winsor's "Narrative and Critical History of America," Vol. VII, p. 165. *Ante.*, pp. 14-15.

7 Winsor's "Narrative and Critical History of America," Vol. VII, p. 158.

8 Letter quoted in Jay's "Address," p. 107.

thing the United States could, with any shadow of plausibility demand from England they obtained."[1] In the United States the treaty met with the "warmest approval" of Congress,[2] in spite of the fact that the instruction to consult France in all things[3] had been disregarded. The Secretary of Foreign Affairs, while censuring the commissioners for keeping the treaty secret from France says: "The boundaries are as extensive as we have any right to expect."[4] The people at large were jubilant over the peace; a friend writes to Jay, "The treaty is universally applauded; and the American commissioners who were concerned in making it have rendered themselves very popular by it."[5] While Hamilton writes, "The peace, which exceeds in goodness of its terms the expectations of the most sanguine, does the highest honor to those who made it."[6]

The boundary line.

The boundary line secured by this surprising treaty was a compromise between the lines established by England in the famous Proclamations of 1763 and 1774. It was probably proposed by Jay who says that two lines were considered at the final negotiations: one, like that suggested by Congress in 1779, running from Lake Nipissing straight to the Mississippi; the other through the St. Lawrence and the lakes. Of these two lines the British ministers seem to have had their choice, and they chose the one through the lakes. Thus Michigan was saved to the United States because Jay afterwards said, "the waters would form a line which could never be mistaken; and offered great convenience to both parties, the line of the waters was preferred by both."[7] The part of the line in which we are interested is described as running through the middle of Lake Ontario:

"Until it strikes the communication by water between that lake and Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into the Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and Philippeau, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods to the said Lake of the Woods."[8]

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[1] Lecky's "History of England in the 18th Century," Vol. IV, p. 284.

[2] "Secret Journals of Congress," Vol. III, p. 327. Spark's "Diplomatic Correspondence," Vol. X, p. 129. Rives' "Madison," Vol. I, p. 351, *et seq.* Lyman's "Diplomacy of the United States," Vol. I, p. 181, *et seq.*

[3] Spark's "Diplomatic Correspondence," Vol. X, p. 130. "Secret Journals of Congress," Vol. II, p. 435. Jay's "Correspondence and Public Papers," Vol. III, p. 60.

[4] Spark's "Diplomatic Correspondence," Vol. X, p. 129. Lyman's "Diplomacy of the United States," Vol. I, p. 174, *et seq.* Rives' "Madison," Vol. I, p. 351, *et seq.*

[5] Jay's "Correspondence and Public Papers," Vol. III, p. 46.

[6] Jay's "Correspondence and Public Papers," Vol. III, p 46.

[7] Lecky's "England in the 18th Century," Vol. IV, p. 274. Winsor's Vol. VII. p. 138. Map. "Life of Shelburne," Vol. III, p. 294, also 272, *et seq.* Adams' "Life and Works," Vol. VII, p. 661. "Life of Shelburne," Vol. III, p. 295. American State Papers, "Foreign Relations," Vol. I, p. 491.

[8] "Treaty," Art. II, Map. Winsor's "Narrative and Critical History of America," Vol. VII, pp. 530, 542. Curtis' "Webster," Vol. II, p. 132. "Report of the Canadian Archivist," 1890. p. 137. Justin Winsor, in "Massachusetts Historical Society," published 1886-7, Vol. III, p. 349.

Shelburne's Life, Vol. III, p. 294.

L. of the Woods
Canada.
L. Superior
Mississippi R.
Ohio R.
United States
Mississippi R.
1783.

The Lake Superior line.

In considering this line one peculiarity strikes us at once,—it runs through the middle of all the lakes and their water communications except Lake Superior where it runs "northward of the isles Royal and Philippeau." Why should a boundary line which for hundreds of miles has run through the middle of the lakes, be suddenly turned and made to run within thirteen miles of the northwest shore of the largest lake? And why should two out of all the islands of that long waterway be mentioned, and only two? These questions, so far as I can discover, have never been fully answered; to do so, is in part, the purpose of this paper. I shall try to show that Benton was right when he asserted that the line ran through Lake Superior "to the northward of the isles Royal and Philippeau" because that was the general and well known route of travel to the northwest fur lands; and that the islands are mentioned simply because they were well known land marks by which that route was known.[1]

It is impossible to find answers to those questions in the reports or writings of the commissioners who established the boundary line; for there seems to have been little written discussion of any part of the line except the northwest part. It seems doubtful if there was even an oral discussion of the details of the lake boundary since it ran through a region very little known and valued only for its fur. Moreover it was thought, as Jay said, that "the waters would form a line which could never be mistaken."[2]As a matter of fact no serious trouble has ever arisen out of this portion of the boundary line, although it was not all definitely determined for nearly sixty years after the treaty was made. Indeed, only once has it been carefully considered.[3] To answer the questions, then, as to why only a part of the lake boundary was thus specifically mentioned we must show:

1st. That there was no reason for specifying the islands in question except for the purpose of more fully identifying the direction of the line.

2d. That the line described followed the usual route of travel.

3d. That this last fact was known to the men who established the boundary line.

Isles Royale and Philippeau.

My reasons for thinking the isles Royale and Philippeau are mentioned in the treaty solely for the purpose of better identification of the line are that; in the first place, the Englishmen who made the peace considered them of no value, and the Americans probably knew it. On the only occasions when the matter was discussed, the British commissioners said:

"It may be remarked, in explanation of the fact of the British Commissioner who negotiated the treaty of 1783 having consented to cede isles Royale and Philippeau to

1 "Congressional Globe," 27th Cong., 3d Sess., appendix, p. 2.
2 Above page 18.
3 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI.

the United States, that the latter power was at that time very desirous of extending its territory as far as possible; that its government was then less acquainted with the Canada than the British government was; that the United States supposed the islands above mentioned to be worth attaining, while the British government knew them (as far as they were known in the Isle Royale) to be worthless. Great Britain, therefore, agreed to yield them, as a great boon requested of her, and consented to run the line, in a curved manner, *northward*, so as to include them within the American line."[1]

He makes, however, no attempt to prove his statement. It is probably true that the English thought they were not yielding much in giving up these islands;[2] for Townsend, who was one of the ministry, had some time before, been one of the partners in a mining company which proposed to operate in this very region, but which failed to take out the charter which Parliament granted them, in the belief that the returns from the undertaking would not be sufficient.[3] But it is equally probable that the American ministers knew all about the matter for there was nothing secret about the affair, apparently, and Franklin, at least, was, and had always been, sufficiently interested in the mineral region to keep track of all that was done there.[4]

Secondly, it is extremely improbable that the commissioners for peace would quibble about one or two islands, however valuable one of the parties may have considered them, when they had already agreed on the partition of so vast a region. It seems absurd to suppose that the commissioners rendered the line so circuitous for the sole purpose of placing a few islands, about which nobody knew much, within the borders of a state. The absurdity of such a purpose increases when we consider the second part, i. e., that the line described followed the usual route of travel.

To prove this I shall first show that the usual point of departure from Lake Superior into the Northwest was, in 1783 and long before, by way of the Grand Portage; and that the route from the foot of the lake to that depot was northward.

There can be no doubt that the Grand Portage for many years was the usual way by which the traders went into the west, that it was so used at the time the treaty of 1783 was made, and that it was the best known port on the lakes west of Mackinaw. Alexander Henry, who, in 1765, received a license for the exclusive trade of Lake Superior[5] went and came in his journeys to the northwest by the Grand Portage.[6] Captain Carver in the account of his explorations made between the years 1766-68 speaks of the Grand Portage as the place where "those who go on the

1 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI, p. 101.
2 The isles Philippeau have never been identified, and probably never existed except as an optical delusion. "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI, p. 72.
3 Henry's "Travels," p. 235. Carver's "Travels," pp. 139, 226. Report on the History of Geological Surveys, Michigan Senate Journal, Vol. I, 1869, p. 569.
4 See "Canada Pamphlet," in Franklin's "Life and Writings," Vol. I, pp. 248, 256; Vol. III, pp. 69-77; Vol. IV, pp. 1-53.
5 Henry's "Travels," p. 192.
6 Henry's "Travels," pp. 239-330.

northwest trade * * * carry over their canoes and baggage."[1] William McGillvray, a partner of the Northwest and Hudson Bay Companies, says of the Grand Portage:

"By this route, and this route only, was trade to the northwest country carried on by the French while in possession of Canada; and from the conquest until the year 1803 by the English traders; when the difficulties and expense attending the transport of goods from Lake Superior, by way of the Grand Portage, to Lake La Pluie, became so great that the Northwest Company removed the general depot to Kamanistiquia * * stationed about fifty miles eastward of the Grand Portage." "That the route by the Grand Portage to Lac La Pluie (the only one practiced or known to the French Indian traders) was the one contemplated by the treaty of 1783, I have little doubt."[2]

McKenzie, who traveled over the fur traders' country so much, says plainly that the French had their principle establishment at the Grand Portage, and that when the fur trade fell into English hands it "became the principal entrepôt of that trade."[3] But the best proof that the Grand Portage was, in 1783, the route to the west is the actions of the traders themselves when the terms of peace were announced. The importance of the peace to them is shown in the following extracts from letters written at the time. Benjamin Frobisher, a member of the fur company, who evidently knew more about business than grammar, writes to one of the officers under General Haldimand who was then in command of Canada:

"Respecting the Line of Boundary between this Province and the United States, from Lake Superior to the Westward; with regard to which I must remark that there is no such thing as a Long Lake as expressed in the Treaty, the only communication from Lake Superior is by that tract of land known by the name of the Grand Portage * * * *. It is not, as described, a Long Lake, but is rather a Chain of Lakes, * * * * so that we are at a loss to know from the Tenor of the Treaty where the line is intended to be drawn, and anxiously wish to be informed about it, * * * . Indeed, for my own part I apprehend a survey of the Carrying Place and the Country adjacent will be highly necessary to ascertain and fix unalterably the line in that Quarter, while on the other hand it will give us time to discover another passage, if such a thing exists, whereby we may in all events leave that branch of the Fur Trade to this Province.

The Gentlemen who are engaged in it have ever since the year 1776, carried it on under all the disadvantages inseparable from a state of War * * * .

They do not know how soon they may be deprived of the immediate and at present the only communication from Lake Superior, and on that account they intend at their own expense unless Government prefer to undertake it, to discover if possible another passage, that will in all events fall within the British line * * * . In the mean time should the Upper Posts be given up, we are convinced His Excellency will give such orders as may appear to him necessary for the Company's Protection, * * * until the Line of Boundary in that Quarter is surveyed, and unalterably fixed, that their Property may not be exposed nor the present Communication in the least degree interrupted until they are legally entitled to take possession and if by that Time no other Passage is discovered, they even hope in that case, it may be stipulated the Carrying

1 Carver's "Travels," p. 106.
2 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI, p. 122; see also "Report of the Canadian Archivist," 1890, p. 53.
3 McKenzie's "Voyages," p. VIII.

place and the Communication to the extent of their Territory * * * to remain equally free for both parties."[1]

This anxiety resulted a few months later in a memorial of the Northwest Company to General Haldimand stating:

"That the Company from the Boundary described in the late treaty of Peace being apprehensive the United States would avail themselves of every means in their power to depose them of their Trade to the North West, from being entitled to an equal, if not an exclusive right to the Grand Portage on Lake Superior * * * have explored for a passage 'North of the line of Boundary,'" and ask "an exclusive privilege of Trade from Lake Superior to that country for ten years only."[2]

This memorial is accompanied by a letter from Benjamin and Joseph Frobisher in which is given a brief history of the northwest trade, and the formation of the Northwest Company in 1782:

"To secure and promote their mutual interests, but also to guard against any encroachments of the United States on the line of Boundary, as ceded to them by the treaty from Lake Superior to Lake du Bois" and "Having every reason to expect from the line to be drawn as explained in the late treaty of Peace, that they would soon be dispossessed of the Grand Portage, situated at the North West extremity of Lake Superior, which is the only part of that country where there is a possibility of getting to the Water Communication which leads to Lake du Bois * * * from which your Excellency will perceive the Grand Portage is the key to that part of British America and should the United States be put in possession before another passage is discovered that valuable Branch of the Fur Trade must be forever lost to this Province."[3]

These, and other letters and memorials, brought the following letter from General Haldimand's secretary, who gives:

"As his Excellency's opinion that at present it would be most prudent not to express any doubts respecting the Boundary Line or to propose a survey of it, for whenever that happens it must be a mutual business and will give the Americans an opportunity of acquiring an equal knowledge with us of the advantages of the fur trade, * * *. The Long Lake mentioned in the Treaty appears under that name in the best maps and is the chain of Lakes you mention thro' which it is intended the line shall run. His Excellency, nevertheless, approves your design of endeavoring to discover another passage which will fall within the British Line. * * * ."[4]

There can be, then, no doubt that the Grand Portage was the station toward which the western traders journeyed when they left the Sault, the next question is, did they reach it by going northward of isle Royale?

Carver and Henry both speak as if the route from Mackinaw to the Grand Portage ran to the northward.[5] It seems natural too, that the travel should have been toward the north, rather than the south shore of the lake, as there must have been constant communication between

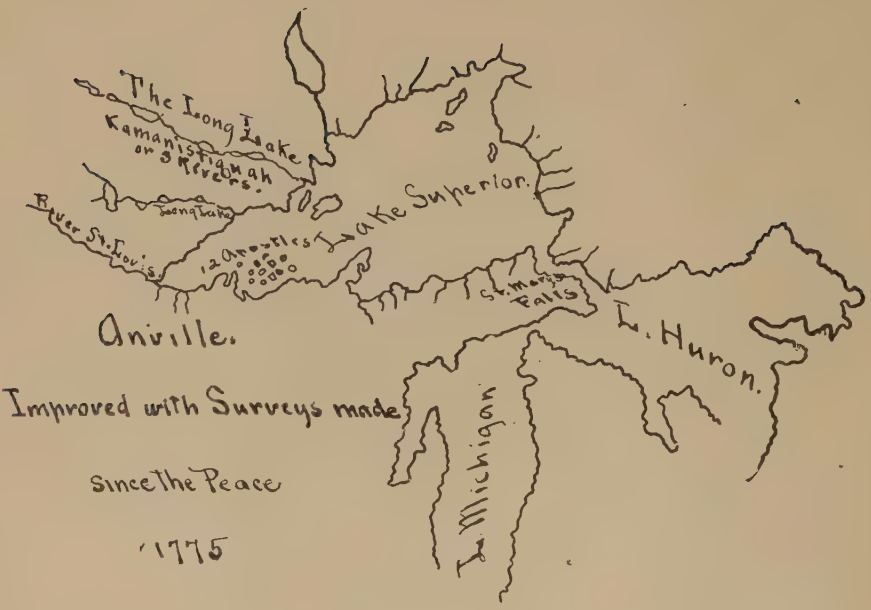
[1] "Report Canadian Archivist," 1883, pp. 63–4. Other letters of the same tenor are given, "Report Canadian Archivist," 1888, pp. 60, 62, 65; 1886, p. 72, "Haldimand Collection," pp. 718, 723–4.
[2] "Report Canadian Archivist," 1890, pp. 48–9.
[3] *Ibid*, 1890, pp. 50–51.
[4] *Ibid*, 1888, p. 65.
[5] Carver's "Travels," pp. 106–7. Henry's "Travels," pp. 236–8.

Camanestiquia
or
Trois Rivieres.
Bay du
Tonners
Isle dur Tonners.
Isle Royale
I. Phillipeaux.
River St. Louis.
Lake Superior.
12 Apostles.
Plantation Office
Feb. 13. 1755.
John Mitchell.

Rain Lake
Fl. Lk.
Ft. Kamanistiquoia
on the S. River
Minong I.
Royal I.
Superior
Falls St. Mary
the 12 Apostles
R. du Fond du Lac
L. Huron
L. Michigan
Thos. Jeffries.
1762.

Cape Breton
Royale
Isle
Philipeaux
British Dominions
in
North America
1763.
L. Michigan.
L. Huron.
Annual Register 1763.

This Passage leads to the
North West.
The Grand Portage
Lake Ronal
Superiour
Mt.
River St. Louis
Carvers Travels
1766—1767.



Proposals of Granville, 1794. From Am. State Papers, Foreign Relations, Vol. I, p. 472.

Long Lake
St. Royal.
Phillipeaux.
Lac or R. St. Louis
Lake Superior.
12 Apostles.
According to the
Preliminary Articles of
Peace, signed Jan. 20.
1783.
R. Sayer and J. Bennett.
L. Michigan.
L. Huron.
1783

Lac Superieur.
Huron.
Lac Erie.
Lac ou Illinois
R. Ohio.
Hennepin.
1697.

the traders on the lakes and those of the Hudson Bay Company.[1] Moreover, most of the maps, from the earliest times until after 1783, show the Grand Portage as opposite the northern rather than the southern end of Isle Royale.[2] Whether all these maps were known to the men who made the treaty we cannot tell, but they were published in England and doubtless were well known. We have, however, the word of the commissioners themselves that they knew and used Mitchell's map[3] and that distinctly marks Long Lake, through which the boundary line is to pass from Lake Superior, at the northwest of Isle Royale.[4] So a line from the Sault to Long Lake on Mitchell's map takes a simple curve toward Long Lake and does not have the "unauthentic appearance" which it shows on a modern map. Seeing then, 1st, that there was no reason for specifying the isles, 2d, that the most natural route of travel was along the northern shore of Lake Superior, 3d, that the old and only route to the west was by Grand Portage which lies west of Isle Royale, and that the Grand Portage was placed to the northward rather than to the southward of that island, on the maps known to the men who established the boundary line; I think, in the absence of any proof to the contrary, that we may conclude that that line was made to follow the usual route of travel and that the islands are mentioned simply to define the line more clearly.

Determining the line.

The boundary line through the lakes was of interest to so few people that it was a long time before the need of definitely determining it was recognized. Mr. Jay says that one reason the commissioners of 1783 chose a line through the waters was "because the waters would form a line which could never be mistaken." But since it was described as running through the *middle* of the waters, instead of through the *middle* of the *main channels* it has been mistaken many times, nor indeed is it fully determined yet. The history of the determination of the line is devoid of the dramatic incidents which accompanied the settlement of the St. Croix line, or the thrilling stories of the Mississippi explorers, but it is not without interest to Michigan people at least.

The boundary line along the middle region received little attention for many years. There were boundary disputes[5] but the authorities seemed to feel that these would cease when the posts were out of British hands,

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1 *Ante*, pp. 21 and 22, notes to Report Canadian Archivist.

2 Carver's map in his "Travels;" also "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI. Jefferies' Map. Mills'. "Ex. Doc., No. 541," 25th Cong., 2d Sess., Vol. XI, "A" Nos. 3 and 4. Charlevoix, 'Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. II, "A" Nos. 3 and 4. Faden's May. *Ibid*, "A" Nos. 6 and 7. D'Augilles-Mills. Winsor, IV. Mitchell's "Ex. Doc., No. 451," 25th Cong., 2d Ses-., Vol. II. "Annual Register," 1783.

3 See note 8, p. 18. Waite's "State Papers," Vol. X, p. 15, "Confidential."

4 American State Papers, "Foreign Relations," Vol. I, p. 491.

5 American State Papers, "Foreign Relations," Vol. I, p. 490; Vol. III, p. 701 "Public Lands," Vol. I, p. 265. Roosevelt, "Winning of the West," Vol. II, p. 379; Vol. III, Chap. VII. "Michigan Pioneer Collections," Vol. XII, p. 260.

or perhaps they were too much occupied with more important matters to give much heed to the quarrels of a few people in the west.

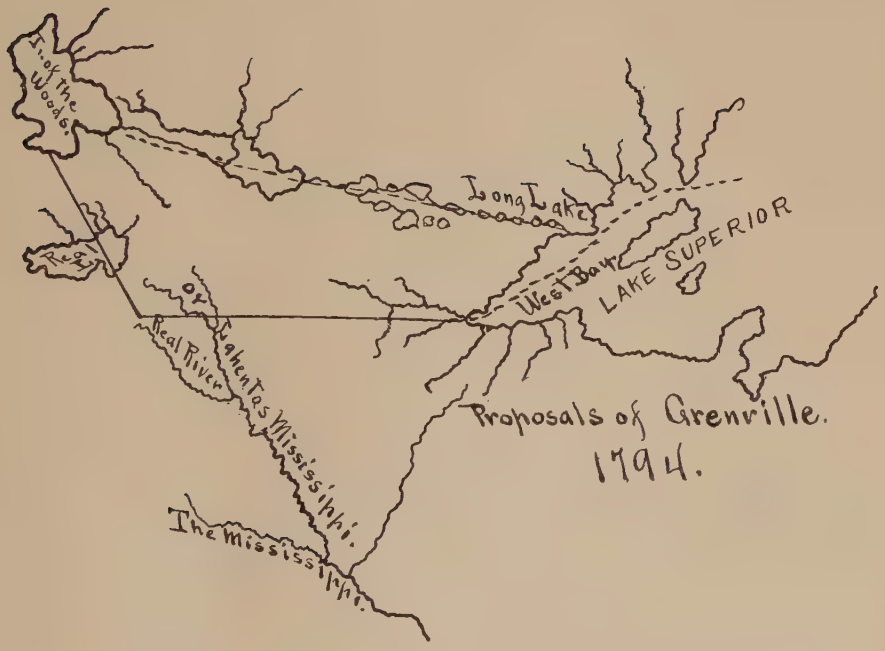
When Jay went on his mission to England in 1794 he was instructed "* * * to draw to a conclusion all points of difference between the United States and Great Britain, concerning the treaty of peace."[1] But the lake boundary was touched only when Grenville, the British Minister, proposed that, as the treaty line from the Lake of the Woods west would not reach the Mississippi, a new line should be run "to the northward of the Isle Philippeau" as by the treaty, "and from thence * * * shall proceed to the bottom of West Bay," and thence to the Mississippi and the Lake of the Woods.[2] Jay refused to consider the matter at all, as he was not authorized to cede or acquire territory.[3] He proposed, however, that, as no line could be determined upon until surveys were made, a commission for that purpose should be appointed. Such a commission was provided for in the treaty then made.[4] Had Grenville's proposal been accepted, the northern boundary line of Michigan would have been brought nearly two hundred miles further south, as it was not this proposal is of historic interest only. This was the only time, previous to 1814, that the lake boundary was formally considered in the course of negotiations with Great Britain.[5]

1794.

During our second war with Great Britain John Quincy Adams, J. A. Bayard, Henry Clay and Jonathan Russell were sent to Europe to make a treaty of peace, with the instruction, among others, that "should a restitution of territory be agreed on, it will be proper for you to make a provision for settling the boundary between the United States and Great Britain, on the St. Lawrence and the lakes, * * * , according to the principles of the treaty of peace."[6] The British Commissioners for peace, Lord Gambier, Henry Goulburn and William Adams, were also instructed by their government to demand an adjustment of boundaries.[7]

This mutual, and somewhat sudden, interest in the boundary question is due to the fact that an element in both countries desired to make this a war for conquest of territory. The authorities on both sides denied that such was the purpose[8] of the war, but the facts do not prove their statements true. In the United States there were many who, like Franklin in the old days, were anxious for Canada. Henry Clay himself had been applauded in the House of Representatives when in the beginning of the war he advised "negotiating the terms of peace at Quebec or at

1 American State Papers, "Foreign Relations," Vol. I, p. 472.
2 *Ibid*, p. 488; Map, p. 492.
3 American State Papers, "Foreign Relations," Vol. I, p. 490.
4 "Treaty," 1794, Article IV. Jay's "Correspondence and Public Papers," Vol. IV, pp. 74, 87-97.
5 American State Papers, "Foreign Relations," Vol. I, p. 62; Vol. II, pp. 584-591; Vol. III, p. 97. "Canadian Archives," 1885, p. XCV, *et seq.*
6 American State Papers, "Foreign Relations," Vol. III, p. 701.
7 Henry Adams' "History of the United States," Vol. IX, p. 18.
8 Hansard's "Debates," Vol. XXX, p. 501. American State Papers, "Foreign Relations," Vol. III, pp. 714, 723. "Annual Register," 1815, pp. 15-21.
9 Clay's "Life and Speeches," Vol. I, p. 258.



Proposals of Granville, 1794. From Am. State Papers Foreign Relations, Vol. I, p. 472.

Halifax,"[9] and Secretary Monroe, in June of 1813 instructed our peace commissioners, to bring to view the advantage to both countries which is promised by a transfer of the upper parts and even the whole of Canada to the United States.[1] The English, on the other hand, considered the war an opportunity to regain a part of the territory which had been too easily yielded thirty years before; and also an opportunity to try that old plan of establishing an Indian territory, which should be a "buffer state" between Canada[2] and the United States. The Canadian "Gazette" insisted that the United States should be made to surrender certain lands along the St. Lawrence and the Niagara as well as certain northern posts.[3] The "London Courier" said peace "must be on condition that America has not a foot of land on the waters of the St. Lawrence, * * no settlement on the lakes."[4] The peace commissioners said, an establishment of an Indian territory was necessary to peace[5] between the United States and Great Britain.

Negotiations at Ghent.

When the American and British Commissioners came together at Ghent, the Americans felt that the boundary question should be left until the weightier and more pressing matters were disposed of;[6] but the British insisted that the settlement of a definite boundary for the territory of their Indian allies was a *sine qua non*.[7] The boundary they proposed was that established by the treaty of Greenville.[8] Now the Greenville treaty had been made by the United States and the Indians in 1795, and had set aside a large part of the territory north of the Ohio and between the Mississippi and the lakes, for the exclusive use of the Indians.[9] All this territory, then, the British government proposed to give to the Indians. Of course, since 1795 the United States government had made many other treaties with the Indians so that their possessions had been reduced. Several territories had been organized within the region; Ohio was already a state and Indiana about to become one. These facts were presented to the British Commissioners with the questions:

"What was proposed to be done with the inhabitants, citizens of the United States, already settled beyond the line of the Treaty of Greenville—the Territories of Michigan, of Illinois, and part of the State of Ohio, amounting perhaps to one hundred thousand, many of whom had been settled there with their ancestors one hundred years. Mr. Goulburn said that their case had not been considered by the British Government; that it might be a foundation for the United States to claim a particular

1 These instructions do not appear in the published documents, probably because they were not acted upon, but Adams urged his colleagues to act upon them, and they are in manuscript. Henry Adams. Vol. IX, pp. 11-12. J. Q. Adams' "Memoirs," Vol. III, pp. 9, 25-30.
2 J. Q. Adams' "Memoirs," Vol. III, pp. 9, 25-30.
3 Henry Adams, Vol. IX, pp. 7-8.
4 *Ibid*, p. 31.
5 American State Papers, "Foreign Relations," Vol. III, p. 705.
6 *Ibid*, p. 706.
7 *Ibid*, p. 705, *et seq.*
8 *Ibid*. p. 710. J. Q. Adams' "Memoirs," Vol. III, pp. 6, 9, 18. Henry Adams, Vol. IX, pp. 18, 19. Winsor's "Narrative and Critical History of America," Vol. VII, p. 485.
9 American State Papers, "Indian Affairs," Vol. I, p. 562.

modification of the line, and if that should not be agreed to they might remove." His colleague, Dr. Adams, said the people "must shift for themselves."[1]

But such men as Gallatin, Clay and John Quincy Adams were not likely to let their fellow citizens "shift for themselves;" nor to give up any territory to which the United States had a claim, to say nothing of what was a vital part. Two months of waiting and discussion[2] followed this "utterly untenable and inhuman"[3] demand. Then the British withdrew their proposal, on condition that all the possessions and privileges belonging to the Indians at the beginning of the war should be restored to them.[4] Whatever else she might become Michigan was not to be an Indian country.

But the British also demanded that the whole line between Canada and the United States should be changed, since they proposed that the differences should be settled on the basis of present possession.[5] Had this been agreed to we should have Amherstburg while Mackinaw would belong to Canada,[6] and Michigan's boundary line would probably not run so far north. But this demand, too, the British gave up and the settlement of the boundary, "according to the principles of the treaty of peace,"[7] was then considered.

In the discussion upon this point neither party seemed inclined to change the line[8] running through the lakes, but the British did propose starting anew in running a line from Lake Superior to the Mississippi.[9] The American Commissioners seem not to have heard of this same proposition having been made to Jay[10] for they were surprised when the proposition was made and asked whether the British "did not mean the line from the Lake of the Woods to the Mississippi."[11] Though assured of the contrary,[12] the Americans considered this a demand for territory and, refusing to review that line, proposed a reference of the whole Canadian boundary to commissioners.[13] This proposition was agreed on and embodied in the fifth, sixth, and seventh articles of the Treaty of Ghent, ratified December 24, 1814.[13]

Running the line.

The portions of the boundary with which this paper has to deal were covered by the sixth and seventh articles of this treaty.

Article six provides that:

1 American State Papers, "Foreign Relations," Vol. III, pp. 710-724. J. Q. Adams' "Memoirs," Vol. III, p. 19.
2 Henry Adams, Vol. IX, pp. 26-28.
3 Hansard's "Debates," Vol. XXX, pp. 500, 521, 529, 530.
4 American State Papers, "Foreign Relations," Vol. III, p. 723.
5 American State Papers, "Foreign Relations," Vol. III, p. 705.
6 *Ibid*, p. 716. Adams' "Life of Gallatin," pp. 535-6, 539-40.
7 American State Papers, "Foreign Relations," Vol. III, p. 725.
8 Gallatin's "Writings," Vol. I, p. 640, *et seq.*
9 American State Papers, "Foreign Relations," Vol. III, pp. 709, 712, 714. Waite's "State Papers," Vol. IX, p. 334.
10 *Ante*, p. 24.
11 American State Papers, "Foreign Relations," Vol. III, p. 709.
12 *Ibid*, p. 712, 714.
13 *Ibid*, pp. 734-737, 741. Treaty, Articles, V, VI, VII.

"WHEREAS, By the former treaty of peace that portion of the boundary of the United States from the point where the forty-fifth degree of north latitude strikes the river Iroquois (St. Lawrence) to the Lake Superior, was declared to be along the middle of said river into Lake Ontario;"

and so on through the middle of the lakes and rivers up to Lake Superior.

"AND WHEREAS, Doubts have arisen what was the middle of the said river, lakes and water communications, and whether certain islands lying in the same were within the dominion of his Britannic Majesty or the United States. In order, therefore, finally to decide these doubts, they shall be referred to two commissioners."

Article seven says:

"It is further agreed that the two last mentioned commissioners, after they shall have executed the duties assigned to them in the preceding article, * * * are hereby authorized upon their oaths impartially to fix and determine, according to the true interest of the said treaty of peace, of one thousand seven hundred and eighty-three, that part of the boundary which extends from the water communication between Lake Huron and Lake Superior, to the most northwestern point of the Lake of the Woods."

Such parts of this boundary as required it were to be surveyed and marked by the commissioners.[1]

In due time the British government appointed one Anthony Barclay, and the United States government appointed General Peter B. Porter, to act as commissioners under these articles of treaty.[2] The work of these commissioners was easy compared with that of those who had to determine the line from the Atlantic to the conjunction of the St. Lawrence with the forty-fifth parallel. Nevertheless up to 1822 they were only able to "report progress," and after ten years of effort they decided it was impossible to reach an agreement upon certain portions of the line.

Manner of determining the line.

Of course in determining the boundary line "according to the true intent of the treaty of 1783" it was necessary to determine first what was meant by the "middle" of the rivers and lakes. The commissioners early decided that an equidistant line through the lakes and water communications, as prescribed in the treaty of 1783, was impracticable and unscientific because of the currents and islands.[3] It was therefore agreed to construe the "middle" to mean the middle of the main channel.[4] But here was another difficulty; of perhaps ten channels which was the main one? It was decided to settle this question by the rules of common sense and to trace, "such a boundary as would be best calculated to secure to each party the largest possible

1 American State Papers, "Miscellaneous," Vol II, p. 513. "Treaty," Articles VI, VII.
2 "Sen. Doc. No. 319," 25th Cong., 2d Sess., Vol. IV, p. 16. American State Papers, "Miscellaneous," Vol. II, p. 316.
3 "Ex. Doc. No. 451," 25th Cong., 2d Sess., Vol. XI, pp. 6, 8, 9. American State Papers, "Miscellaneous," Vol. II, p. 513.
4 "Ex. Doc. No. 451," 25th Cong., 2d Sess., Vol. XI, p. 7.

participation in the benefits of the great navigable thoroughfare through which it passes," and "would divide the islands equally in point of value, and conveniently in regard to location;" while at the same time providing "such a boundary as could be easily run and preserved, and readily recognized, and would place the citizens * * * of the two governments in such situations relatively to each other as would be least likely to create misunderstandings and feuds." To accomplish this a water line was uniformly adopted.[1]

The method of determining this water line was evidently too slow and expensive to suit the popular mind.[2] More than a year after the appointment of the commissioners, Niles' Register sarcastically remarks that "the boundary commission; so called, appointed by the United States and Great Britain, appear about to commence running the line to determine the boundary east of Lake Champlain."[3] And Congress seems to have suspected dishonesty somewhere, for in 1818 the House appointed a committee to investigate the "subject of the expenses incurred under the fourth, fifth, sixth, and seventh articles of the Treaty of Ghent, with instructions to inquire into the nature and causes of said expenses, and into the principles upon which the commissioners under the sixth and seventh articles of said treaty have proceeded in the execution thereof."[4] Two years later the President was asked for reports from the commissioners, in order that the House might know whether anything had been done within a year.[5] In response to this demand, it was explained that it was not understood reports were expected from the commissioners until the work was completed; and General Porter presented a detailed account of the expenses incurred, as well as the work done under his authority.[6] He adds that the work under the sixth article will probably be completed the following season, and that while it will have "consumed considerable time and expense, I flatter myself that the maps and surveys which will accompany our report will show that we have not been idle; and that besides exhibiting a clear and distinct demarcation of the boundary, they will furnish the government with a mass of most useful information, in respect to a very considerable line of navigation, which is daily and rapidly growing into importance."

"The seventh article," General Porter goes on to say, "relates to a country which is, comparatively, of little importance; and a system of operations is proposed to be adopted, for designating the boundary, which will greatly reduce both the time and expense of execution."[7] These reports and explanations appear not to have been entirely satis-

1 "Ex. Doc. No. 451," 25th Cong., 2d Sess., Vol. XI, p. 7.
2 American State Papers, "Miscellaneous," Vol. II, p. 513.
3 Niles' "Register," Vol. XII, p. 224.
4 American State Papers, "Miscellaneous," Vol. II, p. 512. "Niles Register," Vol. XIV, p. 101.
5 American State Papers, "Foreign Relations," Vol. IV, pp. 647-650. "Niles Register," Vol. XIX, pp. 297, 308, 311.
6 "State Papers, No. 30," 16th Cong., 2d Sess., Vol. I, pp. 13-40, 52.
7 "State Papers, No. 30," 16th Cong., 2d Sess., Vol. I, pp. 56-58.

factory to Congress for a bill was passed fixing the amount of money to be spent on the boundary line;[1] while the House Committee suggested that the financial report should have been earlier rendered, and expressed regret that a less expensive system of operation had not been sooner adopted.[2]

According to General Porter's prophesy, the boundary line to the head of Lake Huron was determined "the following season." The Annual Register records that:

"The Hon. Anthony Barclay and General Porter, the Commissioners, together with the agents and secretaries, met in the village of Oneida on the 14th of June, and after a sitting of four days, amicably concluded the decision of the articles submitted to their arbitration. In the course of their undertaking nearly 3,000 islands have been surveyed and adjudicated upon, many of which are of great value and importance."[3]

Four days later a formal report was made to the United States government[4] and its acceptance fixed the line which was to become the eastern boundary of Michigan.

In the adjustment of this part of the line there seems to have been trouble with regard to but two islands, one in the Detroit River, the other at the mouth of the St. Mary's River. The island of Bois Blanc, being at the mouth of the Detroit River, might be the key to all the upper lake region, so its possession had been questioned, not to say contested ever since the treaty of peace had been published. But it had been held by the British since 1802[5] and was now given to them, on condition that Sugar, Fox and Stoney Islands be given to the United States.[6] Drummond Island, at the entrance to the St. Mary's River, had long been occupied by United States citizens, but during the process of their negotiations was garrisoned by British troops. In this case, however, might was right, and the island was formally yielded to the United States.[7]

Under the 7th article of the Treaty of Ghent.

On completing the boundary line to the head of Lake Huron, the commissioners at once proceeded to their work under the seventh article of the Treaty of Ghent, i. e., to determine the line from this point to the Lake of the Woods. The whole of this line is not of interest to us, but part of it is as the northern boundary of Michigan is the boundary line between the United States and Canada, running through Lake Superior to the point where the line leaves the lake. General Porter had stated that "the seventh article relates to a country which is, comparatively, of little importance; and a system of operation is proposed to be adopted, for designating the boundary, which will greatly reduce both the time and expense of its opera-

1 "Statutes at Large," Vol. III, p. 640. "House Journal," 16th Cong., 2d Sess., pp. 98, 103, 329, 331.
2 American State Papers, "Foreign Relations," Vol. IV, p. 648.
3 "Annual Register," 1822, p. 104.
4 "State Papers, No. 91," 17th Cong., 2d Sess., Vol. VI. "Niles Register," XXII, p. 311. "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI.
5 "Report Canadian Archivist," 1885, p. XCV, *et seq.* Weld's "Letters," Vol. II, p. 170, *et seq.*
6 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. II, p. 120.
7 "State Papers, No. 91," 17th Cong., 2d Sess., Vol. VI; No. 30, 16th Cong., 2d Sess., Vol. I, p. 50.
8 "State Papers, No. 30," 16th Cong., 2d Sess., Vol. I, p. 56.

tion."[3] But the General was mistaken in all of this prophesy; after working five years the commissioners gave up the attempt to determine all the points in the line and so report to their respective governments,[1] as the treaty under which they worked had provided they should do in such a contingency.[2]

The first difficulty which met the commissioners on coming to work under the seventh article arose out of the fact that the treaty of 1783, as well as that of 1814, described the boundary as "passing through Lake Huron *to* the water communication between that lake and Lake Superior; thence through Lake Superior" instead of "thence along the middle of said communication into Lake Superior" as was the phraseology for the other parts of the boundary. They decided, however, to consider this as a simple mistake of the treaty makers and to treat this part of the line as if the usual phraseology had been employed.

Most of the line seems to have been determined without much difficulty, but there were two points upon which the commissioners could not agree; one was the appropriation of an island in St. Mary's River, the other the point from which the line was to leave Lake Superior.

As to the first of these two points the commissioners reported that they could not agree on the line from:

"A point in the Neebish channel near Muddy lake, to another point in the middle of St. Mary's river, about a mile above St. George's or Sugar island; the British Commissioner being of opinion that the line should be conducted from the before-mentioned terminating point of the boundary line under the 6th Article, being at the entrance from Muddy lake into the ship channel, between St. Joseph's island and St. Tammany's island, to the division of the channel at or near the head of St. Joseph's island; thence between St. George's island and St. Tammany's island, turning westwardly through the middle of the middle Neebish, proceeding up to and through the Sugar rapids, between the American main shore and the said St. George's island, so as to appropriate the said island to his Britainic Majesty; and the American Commissioner being of opinion that the line should be conducted from the before-mentioned terminating point of the boundary under the 6th article, into and along the ship channel between St. Joseph's and St. Tammany's islands, to the division of the channel at or near the head of St. Joseph's island (concurring thus far with the British Commissioner); thence turning eastwardly and northwardly around the lower end of St. George's or Sugar island, and following the middle of the channel which divides St. George's island, first from St. Joseph's island and afterward from the main British shore to the above-mentioned point in the middle of St. Mary's river, about one mile above St. George's or Sugar island, so as to appropriate the said island to the United States."[3]

The British Commissioner based his claim to St. George's island on the fact that an equidistant line between the main shores would leave this island on the British side.[4]

This the American Commissioner admits, but he also proves that this rule was not usually applied in dividing islands when the main channel

1 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI.
2 "Treaty." Articles VI, VII.
3 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI, pp. 4–5, 43 *et seq.* Map, p. 33.
4 *Ibid*, pp. 54–60, 119–120.

was evident and so made a more natural dividing line.[1] Such a channel, the British Commissioner was obliged to admit, ran to the eastward of St. George's island.[2] Furthermore, to show that the main ship channel was the proper dividing line General Porter proves that, not only in the St. Mary's River but in the whole line, the British had received more territory than the Americans and that therefore, "the only approach toward an equal division of territory" would be secured by giving the island in question to the United States.[3] Indeed, so evidently right was the American view of the matter that, when the question came up for formal settlement fifteen years yater, the British Commissioner did not even suggest putting St. George's island within the British line.

The second point of difference between the commissioners under the seventh article of the Treaty of Ghent was regarding "the course of the boundary from Lake Superior to the Chandiere falls, in Lac La Pluie, situated between Lake Superior and the Lake of the Woods." The *American Commissioner* was of the opinion that the boundary ought to pass from Lake Superior, into the bay or estuary at the mouth of the River Kamanistiqua, "and the British Commissioner being of opinion that from Lake Superior the boundary should enter the mouth of the River St. Louis."[4] Here then was a dispute involving a distance of over two hundred miles. The claim that the boundary line should run through the lake to the west bay or St. Louis river was not a new one, as we have seen.[5] Lord Grenville proposed it to Jay in 1794, but then no reasons were given for the claims. In 1827 Mr. Barclay devotes many pages to proving that the St. Louis river route is the true course of the boundary. He tries to show:

"1st. That it affords the most ostensible Long Lake.

"2d. That it is an ancient commercial route.

"3d. That it is the most navigable, and interrupted by far fewer portages.

"4th. That it was anciently called 'the Lake' or St. Louis river.

"5th. That the language of the treaty infers that the boundary west of Isle Royale should run to the south thereof."[6]

For the purpose of this paper it is hardly necessary to enter into a discussion of the truth or falsity of the 1st, 3d, or 4th of these points; sufficeth to say that even if true there is no reason for thinking these facts were known to the men who made the Treaty of 1783. As to the evidence which Mr. Barclay gives to prove his second point, it proves quite as conclusively that the "ancient route" was not used until after the treaty was

1 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI, pp. 12, 19, 31-33.
2 *Ibid*, p. 61.
3 *Ibid*, pp. 12-20.
4 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI, pp. 4, 45, *et seq.*
5 *Ante*, p. 24.
6 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI, p. 74, *et seq.*

framed. As to his fifth point I trust it has already been shown[1] that Mr. Barclay is mistaken in saying it is "to charge the treaty with containing an absurdity, not to infer that the line, after it passes north of Isle Royale, is to turn southward in its course towards the Lake of the Woods, and that it is rendered thus circuitous only for the purpose[2] * * * * * of placing Isle Royale within the limits of the United States."[2] The line ran northward of Isle Royale to follow the route of travel.

The American Commissioner asserted an equally untenable claim when he insisted that the line should leave Lake Superior, not in the region of the old Grand Portage, but some thirty miles further north. He based his claim:

1st. Upon the language of the treaty.

2d. Upon the fact that the Kamanistiqua route affords the best and most continuous water communication between Lake Superior and the Lake of the Woods.

3d. The evidence of maps, many of which place a Long Lake on the Kamanistiqua River.[3]

As to the first point one must agree with General Porter that:

"It will require no little stretch of the imagination, and, at the same time, be paying but a poor compliment to the wisdom and consistency of the distinguished men who formed the treaty of 1783, to suppose that, in tracing a line from the head of St. Mary's to the mouth of St. Louis river, they would make so great a deviation from the plain and obvious course, and twice traverse the whole breadth of Lake Superior, for no other conceivable purpose than to encompass the inconsiderable territory of Isle Royale."[4]

But we must differ from him when he says:

"Arguments in favor of the former (Kamanistiqua route), as contrasted with that of St. Louis, will apply with nearly equal force in favor of the former in its competing claim with the mouth of the Pigeon river and the commencing point of the Grand Portage, * * * , for although the two latter places are, like the former, covered from the head of St. Mary's river by Isle Royale, yet their situations are near the southern, as that of the former is near the northern extremity of that island; and had it been the intention of the framers of the treaty of 1783 to trace the boundary either to the Grand Portage or to the Pigeon river, and to reach the point of destination by the plainest and shortest water route, they would have conducted the line to the *southward* instead of 'to the northward of Isle Royale.'"[5]

For with this, as with the St. Louis route, nothing can be inferred from the language of the treaty of 1783 as there is no doubt Isle Royale was supposed to lie further south than it really does, so the route to the Pigeon River was supposed to lie "northward of Isle Royale."[6] The sec-

1 *Ante*, pp. 19-23.
2 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI, p. 86.
3 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI, p. 20, *et seq.*
4 *Ibid*, p. 21.
5 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI, pp. 21-22.
6 *Ante*, p. 23.

ond and third proofs, like the third and fourth of the British Commissioner, are of little worth. If, as both men confessed, the treaty makers were "equally ignorant of the geography of the country,"[1] how could they know that the "most continuous water route" lay by the St. Louis or some other route? And as for the testimony of the maps, which both Mr. Barclay and General Porter used to prove opposite points, what matters it whether they place Long Lake at the mouth of St. Louis river or of the Kamanistiqua, two hundred miles north; since the map used by the framers of the treaty[2] places Long Lake on the Pigeon River, near the old Grand Portage? Furthermore none of the witnesses called on to testify, in 1822-27, in behalf of the contending commissioners, believed that the framers of the Treaty of Peace meant to run the line into the Kamanistiqua or into the St. Louis River. They all believed that the line should run into the estuary of the Pigeon River.[3]

The weakness of their respective claims became evident to both the commissioners during the discussion. Both relinquished their pretensions and from two hundred miles came within six of agreeing.[4] The British Commissioner "offered to abandon the River St. Louis, on condition that his colleague would agree to accept the Grand Portage route, commencing on Lake Superior, about six miles to the southwest of the mouth of the Pigeon river; thence, up that river[5] and so to the Lake of the Woods. While the American Commissioner proposed "to relinquish the Kamanistiqua route, provided that his colleague would consent to run the line from the mouth of the Pigeon River"[6] and thence to the Lake of the Woods. It was impossible, however, for this distance to be overcome as General Porter felt "the obligation imposed by the treaty to follow a water communication, when one could be found, as imperative;"[7] and Mr. Barclay would accept the Pigeon River route, "provided the commissioner would agree to declare the portages on both sides to be common and free for the lawful use of both nations."[8] This the American Commissioner refused, "on the ground that such a stipulation would involve the exercise of powers not confided to him by his commission."[9]

So in 1827 the commissioners to determine the lake boundary finished their labors, leaving incomplete the line through the Neebish channel in St. Mary's River; and the line from a point, "one hundred yards to the north and east of a small island named on the map Chapeau, and lying opposite and near the northeastern point of Isle Royale,[6&8] to the Lake La Pluie.

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1 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI, p. 123.
2 *Ante*, p. 23.
3 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI, pp. 75, 81, 122, 124, *et seq.* "Sen. Doc., No. 1," 27th Cong., 3d Sess., Vol. I, p. 105.
4 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI, pp. 23, 73, 90.
5 *Ibid*, pp. 23, 91.
6 *Ibid*, p. 23.
7 *Ibid*, p. 24.
8 *Ibid*, p. 92.
9 *Ibid*, p. 24.

Considering the immense amount of traffic through the Neebish channel today, it is hard to realize that for some years nothing more was done to determine the possession of the channels nor the ownership of St. George's island. But in those days the proprietorship of a strip of land in the east was of vastly more moment than the whole water way and all the islands between Mackinaw and the Sault. Even as late as 1835 Sir Robert Peel said that the only question in dispute between Great Britain and the United States was the Maine boundary.[1] The next year Michigan was admitted as a State, with the international line for the eastern and northern boundary; and no one seemed troubled because the international line was not wholly defined.

All these years the attempts to settle the line between Maine and New Brunswick had been in vain, and the situation was becoming alarming. Maine declared the United States Government had no right to yield to Great Britain any land which she claimed. The central authorities were forced to acknowledge the truth of Maine's claims,[2] and it was only by skillful management that serious difficulty with Great Britain was avoided. This trouble had the effect of showing our statesmen that international lines should be adjusted before any more States should be admitted. Accordingly in 1839 Congress asked what steps had been taken to settle the boundaries "between Lake Huron and Lake Superior, and so northwardly, and westwardly along the frontier of the State of Michigan and the territories of Wisconsin and Iowa, to the Rocky Mountains."[3]

To the next Congress, President Van Buren said:

"To the intrinsic difficulties, questions of boundary lines, especially those described in regions unoccupied, and but partially known, is to be added in our country the embarrassment necessarily arising out of our constitution by which the general government is made the organ of negotiating and deciding upon the particular interests of the states on whose frontiers these lines are to be traced. To avoid another controversy in which a state government might rightfully claim to have her wishes consulted previously to the conclusion of conventional arrangements concerning her rights of jurisdiction or territory, I have thought necessary to call the attention of the government of Great Britain to another portion of our conterminous dominion, of which the division still remains to be adjusted. I refer to the line from the entrance of Lake Superior to the most northwest point of the Lake of the Woods."[4]

From this time on, the settlement of the northwest boundary was a subject of communication between the two countries.[5] In 1842, when the troubles regarding the northeast boundary, slave trade, and the surrender of criminals, forced Great Britain and the United States to make a new treaty, these long unsettled lines were established.

1 "Niles Register," XLVIII, p. 95.
2 Correspondence relating to the boundary between the British possessions and the United States of America, 1840. "Congressional Globe," 27th Cong., 3d Sess., p. 14.
3 "House Journal," 25th Cong., 3d Sess., p. 396. "Niles Register," Vols. 55–6, p. 364.
4 "Ex. Doc., No. 2," 26th Cong., 1st Sess., Vol. I, p. 4. "Niles Register," Vols. 57–8, p. 280.
5 "Webster's Works," Vol. VI, p. 280. Correspondence relating to the boundary between the British possessions and the United States of America, pp. 89–90.

When Lord Ashburton and Mr. Webster came to discuss the affairs which were to be settled by the famous treaty of 1842 they decided to let the northwest boundary stand until more important matters were settled.[1] In due time, however, this region was attended to. Lord Ashburton proposed, with regard to the boundaries left unsettled by the commissioners under the sixth and seventh articles of the Treaty of Ghent, 1st, That Great Britain should yield St. George's Island to the United States[2], on condition that certain channels in Lake St. Clair and the St. Lawrence should be free for the use of British subjects.[3]

2d. That the line should leave Lake Superior, "from a point about six miles south of Pigeon River, where the Grand Portage commences on the lake and run thence to the Lake of the Woods."[4] Mr. Webster, of course, accepted St. George's Island for the United States; but he yielded the right of free passage through Lake St. Clair and the St. Lawrence, as asked, only on condition that the Americans should receive the same privilege in passing Bois Blanc.[5] This proposal was accepted, and the line through St. Mary's river was determined.[6]

The second proposition of Lord Ashburton, just referred to, was not so satisfactory. Webster insisted that the line should leave Lake Superior, not at the Grand Portage, but at the mouth of the Pigeon river, six miles further north.[7] In 1842 the British and American Commissioners stood where those of 1822 had left the matter. But now the differences were adjusted without much difficulty as neither of the commissioners felt that the point itself was of much importance, provided that it was a fixed point.[8] A compromise, which the British had proposed in 1822, but which our commissioner refused to accept for lack of power, was now agreed upon.[9] The line leaves Lake Superior at the Pigeon River, but the portages are free and common to citizens of both countries.[10]

When this "Webster Ashburton Treaty" was discussed in the Senate, there were a few who felt that Webster should, to say the least, have little credit for this part of it. The President, in transmitting the Treaty to the Senate, had congratulated the country on securing St. George's Island and on the extension of the line by the Pigeon River route.[11] Benton, particularly, felt that these were not gains to the country, as you cannot gain what you already possess. The island, he said, had been held by the United States since 1783.[12] This, however, would have given no valid title to the island as the Ghent Treaty, in providing for an adjust-

1 Webster's "Works," Vol. VI, p. 279 "Congressional Globe," 27th Cong., 3d Sess., p. 10.
2 Webster's "Works," Vol. VI, p. 280.
3 Webster's "Works," Vol. VI, pp. 281-2. "Congressional Globe," 27th Cong., 3d Sess., p. 10.
4 *Ibid.*
5 Webster's "Works," Vol. VI, p. 284. "Congressional Globe," 27th Cong., 3d Sess., p. 11.
6 "Treaty" 1842, Article VII.
7 Webster's "Works," Vol. VI, p. 286.
8 *Ibid*, pp. 280-289. "Congressional Globe," 27th Cong., 3d Sess., pp. 10-11.
9 *Ante*, p. 33.
10 "Treaty" 1842, Articles II, VII.
11 Message of President Tyler, August 11, 1842. "Congressional Globe," 27th Cong., 3d Sess., p. 3.
12 "Congressional Globe," 27th Cong., 3d Sess., p. 21; appendix, p. 4.

ment of the boundary line, stipulated that in the settlement possession should not be regarded as a title to territory.[1] It is true, as we have seen,[2] that Webster had little or no difficulty in securing St. George's Island because his predecessor had shown so clearly that by right of location and extent it belonged to the Americans.[3] But what most excited the wrath of Senator Benton was the statement of the President that the treaty secured to the United States, "four millions of acres, northward of the claim set up by the British Commissioner under the Treaty of Ghent."[4] Certainly Benton was right when he said this "celebrates an acquisition where nothing has been gained."[5] For the British had not held the country below the Grand Portage since 1783. Neither had they established any title to it in their three attempts to do so. Moreover Lord Ashburton did not assert a claim to the territory,[6] certainly it was no great gain to keep what had always been ours. But Benton went further and said that, even if the boundary line was to run into the Pigeon River, instead of directly to the Grand Portage, as Ashburton suggested, still he had gained all he asked as the Portage was to be free to the English as to the Americans.[7] This was doubtless a compromise, for if the original treaty had defined the line as running to the Grand Portage why should the English traders have left that station for fear of customs and duties, as they did in 1802?[8] Still the granting of the use of a portage within our borders is, in these days of railroads, of no consequence whatever; and even in 1842 was not commonly considered impolitic or unwise. The British and American world felt, as Representative Cushing did, that the boundary in the north was "settled in a manner honorable to the United States,"[9] and the people were too much absorbed in the other portions of the treaty to pay very much attention to this part.

Such is the story of the bounding of Michigan. Included first within the borders of New France, it passed into English hands, but only to be set aside for Indian occupation. Struggling against this it was admitted into the Province of Quebec but only to be torn from Canada at the close of the revolution. Though recognized as part of the United States since 1883, the British in 1815 would have had our government promise to yield to the Indians a large tract of country including all of the upper, and part of the lower peninsula of Michigan. Rescued from this fate, Michigan won a name and a place among the states of the Union before her boundary was fully established, or all her lands assured to her possession.

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1 "Treaty of Ghent," Article VIII.
2 *Ante*, p. 35.
3 *Ante*, pp. 30, 31.
4 Message of the President, "Congressional Globe," 27th Cong., 3d Sess., p. 3.
5 "Congressional Globe," 27th Cong., 3d Sess.; appendix, p. 2.
6 *Ante*, p. 35.
7 "Congressional Globe," 27th Cong., 3d Sess.; appendix, pp. 2-3.
8 "Ex. Doc., No. 451," 25th Cong., 2d Sess., Vol. XI, pp. 105, 123, 129, 131. *Ante*, pp. 21-23; "Report Canadian Archivist," 1888, p. 67; 1890, pp. 50-57.
9 "Congressional Globe," 27th Cong., 3d Sess.; appendix, p, 215. Hansard's "Debates," Vols. LXVII and LXVIII. "Niles Register," Vols. 63-64, p. 97.

One island which, according to the treaty of 1783, should have belonged to the United States and later would have fallen within the borders of Michigan is not there. The isles Royale and Philippeau, the Treaty of Peace expressly gave to the United States. Isle Royale belongs to Michigan and so should those other islands; where are they? Surveys fail to find any islands where Mitchell's map and the Treaty of Peace locate them.[1] The American Commissioner in 1822-27 tried to prove that these islands "are a cluster, or rather a succession of small islands (of which the one named on the map Pàté is the most considerable) extending along the lake coast from northeast to southwest, and situated between Isle Royale and the main shore,"[2] but he failed to prove his point, and we are forced to believe that in this matter the British Commissioner was right. Mr. Barclay said that the reasons for these islands being on Mitchell's map was, the "Deceptive appearance of certain lands, resembling islands in the direction assigned to the Isles Philippeau."[3]

These islands were, according to the tale of the Indians, the home of the Great Spirit. What fitter place could have been found for the home of the Manitou than on islands plainly seen to the east of Isle Royale, whether one gazed from north or south, yet islands which no canoe could ever reach? In the fabulous lands then, the Isles Philippeau lie and add to the romance, if not to the wealth of Michigan.

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1 "Ex. Doc.," No. 451, 25th Cong., 2d Sess., Vol. XI, pp. 20, 72, 100.
2 *Ibid*, p. 20.
3 "Ex. Doc.," No. 451, 25th Cong., 2d Sess., Vol. XI, pp 72, 100.